



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

MEMORANDUM

DATE: April 28, 2019

SUBJECT: Updated Review of Information and Literature to Assess Impacts on Threatened and Endangered Species and Critical Habitat Pursuant to the Federal Endangered Species Act.

FROM: Gary Sheth

TO: Administrative Record for NPDES Permit NN0000019

On November 10, 2014 the United States Environmental Protection Agency, Region 9 (EPA) included in the Administrative Record a memorandum summarizing its Review of Information and Literature to Assess Impacts on Threatened and Endangered Species and Critical Habitat Pursuant to the Federal Endangered Species Act.

Since that review, the United States Office of Surface Mining Reclamation and Enforcement (OSMRE) completed its Section 7 Endangered Species Act (ESA) consultation for the Four Corners Power Plant and Navajo Mine Energy Project with the United States Fish and Wildlife Service (USFWS) and a final Biological Opinion (BO) was issued along with recommended reasonable and prudent measures (RPMs) that action agencies, including EPA must take to avoid jeopardy. EPA in its current permit proposal is undertaking these measures as per the BO.

Additionally, in taking this action to reissue a NPDES permit for the discharge of cooling water to surface waters, EPA updated its evaluation of such impacts by reviewing the latest list of Threatened and Endangered (T&E) species from the USFWS. The only change from the list reviewed in 2014 is the inclusion the Canada Lynx (*Lynx canadensis*) in the list.

EPA reviewed the Recovery Outline for the Contiguous United States Distinct Population Segment of the Canada Lynx prepared by the USFWS. There is no nexus with this species in the area as there is no evidence of presence of this species in the area. Therefore the analysis conducted in November 2014 as well as the action EPA is taking pursuant to the final BO are sufficient ensure that any action pursuant to the issuance of this NPDES permit is not likely to jeopardize the continued existence of any Federally listed T&E species or adversely affect critical habitat of such species.